

**CITY OF TAKOMA PARK, MARYLAND**  
**(Adopted 9/13/04)**

**INTERVIEWS, SPECIAL SESSION, WORKSESSION & CLOSED SESSION  
OF THE CITY COUNCIL**

**Monday, January 5, 2004**

**OFFICIALS PRESENT:**

Mayor Porter	City Manager Finn
Councilmember Austin-Lane	City Clerk Waters
Councilmember Barry	ECD Director Daines
Councilmember Elrich	Human Resources Coordinator Hampton
Councilmember Mizeur	Community & Government Liaison Ludlow
Councilmember Seamens	Senior Planner Inerfeld
Councilmember Williams	City Attorney Sigman

The Council convened at 7:39 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

**COUNCIL COMMENTS**

Mayor Porter wished everyone a happy new year and welcomed all back to Council meetings.

**PUBLIC COMMENTS**

Seth Grimes, 7300 Willow Avenue submitted a written statement for the record, urging the Council to act on the matter of a private citizen erecting a fence that obstructs a public space.

Ms. Porter noted that the Council has discussed this matter on a number of occasions. At this point, without a request from the neighborhood, she indicated that she is not going to reopen the discussion.

Councilmember Mizeur added that she visited with Mr. Trunk over the weekend to discuss the reportedly, new fence. Mr. Trunk is here this evening. She invited him to speak and respond to Mr. Grimes public comment.

Ron Trunk, 7403 Aspen Avenue explained that the fence is a replacement for an existing fence

that was formerly in place and damaged by Hurricane Isabel. The gate is still in place where the old fence was placed.

Ms. Porter suggested that if the Council wishes to set-up a discussion in the future, then she could schedule that discussion.

Mr. Grimes said that the fence that was in place was a low fence that opened from either side. The new fence is about 6 feet high and is bolted from the inside and was bolted when he visited the site.

Bob Atwood, President of Old Takoma Business Association (OTBA) updated the Council on OTBA activities over the last 6-7 months. We meet every second Tuesday of the month. He noted their web site and current membership. Dues have been increased dues, and the association is close to completion of its bylaws. OTBA is working on a non-profit designation, establishing various committees, and has a meeting of the Main Street Committee next week with ECD Director Sara Daines. We have designed a logo along with a brochure and a map. The association belongs to the national main street program.

Ms. Porter responded that it is great to hear about all of the activities. Did you have a good holiday season?

Mr. Atwood said that some of the business was a little down, but that they did host a holiday party which was well attended.

## **INTERVIEWS**

### **1. Arts and Humanities Commission - Kim Brown Henderson and Joan Curry**

The Council interviewed the applicants.

### **2. Public Safety Citizens Advisory Committee (PSCAC) - Michael Israel**

The Council interviewed the applicant.

## **SPECIAL SESSION**

### **3. 1<sup>st</sup> Reading Ordinance re: City Manager Search Firm.**

Ms. Porter reminded the audience of the presentations from three firms prior to the Council's

recess.

Councilmember Williams said that he does not think we could go wrong with any of the three we interviewed. They are the most established and respected in the field. He noted that he worked with the PAR Group earlier in 2003 in the process of selecting the executive director for COG. They are very professional and good to work with. They are a little more “suits” than Takoma Park style. They basically created the field for this type of professional search process. They are professional in a way that a lot of organizations and entities appreciate and require. However, a lot of the things we are trying to do here do not mesh as well with their approach. Slavin Management and the Mercer Group are smaller organizations and have a more individualistic approach. They may be more flexible and willing to mold the process as desired by the city. The better fit would be one of these two. Those who have been on the Council for a while have worked with Slavin in a couple of searches. He said that he has confidence from having worked with Bob Slavin, that we would get a very good process that would get us where we want to be. He said that he was also intrigued with Mercer’s presentation. We could not go wrong with either.

Ms. Porter commented that she spoke with Rose Krasnow who was an elected official in Rockville and had experience of working with Mercer. They had a very good experience working with Mercer. They were very pleased with the outcome of the search and with how the search process worked. They had worked with PAR with less of a positive experience. They had not worked with Slavin, but others in the city had worked with Slavin for top managers and were pleased. She cautioned that we might want to speak with him ahead of time about the demand on his time. He is very busy. Having worked with Slavin on the previous manager search, she found him to be very helpful and willing to work with us as requested. He was very flexible and provided advice as needed. She remarked that she would be happy to work with him again. However, like Mr. Williams, she thought that the Mercer Group presentation was also very good, and had a similar impression from PAR that they are very structured and have a set process.

Councilmember Elrich stated that he was most impressed with the Mercer presentation and would like to put on the table that the Council consider Mercer for the search firm this time. He added that he was most comfortable with their approach.

Councilmember Austin-Lane said that she was glad that one of the search committee members forwarded their perceptions on the three vendors. This member was most impressed with PAR. That is different than the Council comments this evening.

Councilmember Barry remarked that one of the member’s concern was in response to Mercer’s comment about working with such a large citizens group. The resident may have taken it as a negative, but it was a very real response. He said that he personally was put-off by PAR who did not respond with any wisdom about the city, and would second the suggestions to go with either Slavin or Mercer. One is familiar with the city and the other, while new, did some homework to know something about the city.

Councilmember Seamens seconded Mr. Elrich's motion for selection of Mercer, adding that he was also concerned about PAR's lack of knowledge about the city. Mercer's lack of experience in the city may be a positive.

Councilmember Mizeur agreed with Mr. Barry's remark about the lack of homework. She noted that she likes the Mercer approach to the search and the interview process (e.g., video taped interviews). She said that she felt that Slavin's presentation was based too much on the assumption that he already had the job in the bag and did not do much to sell himself through the presentation.

Mr. Williams commented that he spoke with a friend of his from another jurisdiction who reported that Mercer was outstanding to work with.

Ms. Porter observed that she is hearing a consensus that Council would like to move forward with the selection of the Mercer Group. She noted that some of the Councilmembers like Slavin, but that she thinks we will be successful with either. She asked Human Resources Coordinator Hampton to check with the Mercer Group about how many other searches they are working on at the same time.

Mr. Elrich asked whether it would be useful to know the same information from the other two vendors, for comparison sake.

Mr. Williams added that the concern that was expressed is consistent with other comments he has heard about making sure that we do not end up pushing the consultant. That can be a problem.

Mr. Seamens said it could be a problem no matter who the consultant.

Ms. Porter proposed that the Council go forward with the Ordinance, inserting the Mercer Group and a total contract amount capped at \$20,000.

Mr. Williams suggested that the Council negotiate the bits and pieces that we put in the contract.

Ms. Porter agreed that the Council should also discuss what various pieces would cost so we can do negotiations up front.

Mr. Williams pointed out that language in section two should be changed to indicate that five proposals were received for the contract.

Moved by Elrich; seconded by Seamens (with the changes and insertions as noted).

Robert Lanza, 7215 Cedar Avenue (member of search committee) announced that the first meeting of committee is this week. If the Council is going to be discussing with Mercer the "bits and pieces" of the contract, the committee may want to have some input.

Ms. Porter clarified that the Council is going to just agree on the prices for the bits and pieces.

Mr. Lanza said it would be helpful, if possible, to share that information with the committee.

Ms. Porter noted that Ms. Hampton and she will be present for the discussion, and that she would like to offer some thoughts to the committee about how the committee works with the Council in this process.

Ms. Mizeur questioned whether we are operating under the assumption that the vendor will also send a representative to be involved with the citizens advisory committee.

Ms. Porter responded that her own assumption is that we will need to work out the format for the first part of the process. The front part is what we are making up as we go along. It is important for the search committee and the Council to discuss this early process, and also hear from the vendor about how they work into this process. We will need to make a decision about what things we think are most important in the process.

Andy Keleman, Philadelphia Avenue said that having sat through the presentations, his impression even though all parties cast how they deal with committees in the same vein, there were differences in how they expect their role to work with the committee. We will need to work through that aspect.

Ms. Porter acknowledged this as an important point, adding that her experience in working with Slavin and from hearing Mercer's presentation is that they have some ideas about how they would like to operate. We will give them direction on how we want them to operate with the committee and Council. She noted her concern that PAR was not as flexible.

Ordinance #2004-1 was unanimously accepted at first reading (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**ORDINANCE #2004-1**  
**(Attached)**

**4. Resolution re: City Manager Selection Committee.**

Ms. Porter explained that this resolution appoints the two additional persons from Ward 6 to the committee.

Mr. Barry remarked that these are two very great people who bring good experience to the committee. He noted that Katherine Kelly is in the audience. These appointments now fill his four Ward positions on the committee.

Moved by Barry; seconded by Austin-Lane.

Ms. Austin-Lane said that she is pleased to see that he could get Milton Johnson involved. He has already participated in a couple of other boards.

Ms. Porter remarked that she is pleased to see the appointments and the community participation in this process.

Resolution #2004-1 was adopted unanimously (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**RESOLUTION #2004-1  
(Attached)**

Following a scheduled break at 8:45 p.m., the Council reconvened in Worksession at 8:55 p.m.

**WORKSESSION**

**5. Safe Roadways Committee Report.**

Andy Keleman noted that the Council received a final draft of the report in the package. There are a couple of items missing from the written materials. The Council will be getting a final copy of the report. He gave a PowerPoint presentation which followed the print-out of “slides” included in the package. The presentation summarized the committee’s recommendations.

ECD Director Daines noted that Mr. Hill and Mr. Hall are in the audience this evening. They worked with Andy over the past 12 months to prepare the report. There have been two Worksession discussions devoted to this report—to hear the presentation, discuss it, and to later discuss implementation of some of the recommendations.

Ms. Porter thanked the committee for their work. It is very helpful to have all of this information pulled out of past studies. In terms of the speed cameras, a Bill made it through the legislature in 2003 and was vetoed by the Governor. It is uncertain whether it will make it again this year. There is a proposal now to do it on a pilot basis. Montgomery County would be one of the pilot areas.

Mr. Keleman noted the recommendation is that the City apply as a pilot site, adding that he heard that Rockville is planning to be a pilot site.

Ms. Porter responded that Rockville is very active. There are other locations in the county that are also interested. In hearing from the Governor’s representatives, they are opposed to this in concept. That is what we have to overcome.

Mr. Elrich said that in the same vein, a large portion of the problem is created by the county’s

growth policy. County Executive Duncan and a majority of the County Council has just gutted the growth policy. They have eliminated a number of controls and created a situation where no development project will fail. If those are things we want changed, we will have to engage citizens in a political fight to have the County Council re-adopt some of the growth controls. In terms of the roundabouts, he said he would still like to see information about the impacts on pedestrians. He commented that he has heard mostly unpleasant things about roundabouts on heavily traveled streets and would like to see some documentation that roundabouts would work in places like Philadelphia and Piney Branch, and Philadelphia and Maple (both involving state roads).

Mr. Keleman agreed in some respects, but urged that the city needs to get started in some way.

Ms. Austin-Lane noted that there is an institute that has done some studies.

Mr. Elrich questioned whether she is referring to the ITE recommendations.

Ms. Austin-Lane responded in the affirmative.

Senior Planner Inerfeld stated that on January 20th more information on this and other issues will be provided.

Mr. Elrich commented that the ITE is more car-oriented in their studies.

Ms. Porter stated that tonight we are just trying to understand what is out there and to ask additional questions for staff and committee follow-up.

Mr. Seamens noted that there was mention of speeding being a problem and that he has heard the same from residents. Did you get any information from the Police Department about the number of tickets written in past year; where the tickets were issued, how often the radar sign was used, etc.?

Mr. Keleman responded in the negative. The committee did not delve into any of the issues with detailed research. He noted a study from 1993 with much data on speeding. It was interesting because the state and the automobile community has a philosophy about the threshold of acceptable speeding (e.g., 15% speeding is okay). Other communities have different measures (e.g., the degree of speed over the limit).

Mr. Elrich said that is why we dropped the radar requirement from speed hump considerations.

Ms. Porter suggested that this be added to the list of follow-up items--information about the number of tickets written.

Ms. Austin-Lane added that she would also like information about the use of the speed trailer.

Ms. Porter responded that she thinks it was broken.

City Manager Finn commented that it was recently replaced.

Mr. Seamens stated that in terms of traffic calming, he wonders why only speed humps have been implemented in the city and why other recommendations were not implemented.

Ms. Porter explained that this goes back long before Mr. Finn's time with the city. One of the reasons had to do with available funds. Generally, we do traffic calming in consideration of traffic solutions and what the neighborhood would like to see. Some of the big changes have not been things that the residents have welcomed. There was once a recommendation for a roundabout, and a plan was developed. The neighborhood was not favorable, and the project was cancelled.

Mr. Elrich added that we have said that traffic calming would require neighborhood support, as well as the support from surrounding streets. The things that were most requested by residents were signs and speed humps.

Ms. Porter stated that there were budgets for some of these types of things.

Mr. Williams remarked that another thing that tended to come out of a lot of these discussions (which does not have a high cost), was that there were areas that wanted to have the posted speed lowered. There was a lot of discussion about how low we could post the speed limit.

Mr. Keleman said that the committee felt that these were some of the opportunistic remedies. He noted that Carroll Avenue offers an opportunity.

Mr. Elrich suggested that maybe, as part of the public process, you could revitalize some of the neighborhood discussions.

Mr. Keleman pointed out that in the report there are recommendations about continuous community discussions.

Ms. Porter recalled sitting through at least two neighborhood traffic study processes. The neighborhood would participate in collecting data. It would be given to a city-contracted traffic engineer who would identify options. In one process, there were recommendations for one-way streets, but they were all rejected by the residents.

Ms. Mizeur asked that for the follow-up discussion, cost information related to these recommendations be provided.

Mr. Keleman explained that they had tried to look for costs but could not find that information. We do not think that the recommendations were cost-out in the former studies.

Community & Government Liaison Ludlow indicated that there are cost estimates for some of the options and that staff can provide what we have.



Ms. Austin-Lane expressed appreciation for the work of the committee, adding that she looks forward to its continued work. The original establishing legislation put forth a definitive charge to the committee. She asked the Council to address providing on-going support to this committee and making it a Council-appointed committee, coupled with staff support. She supported the recommendations in the report. There are a couple of things different about where we are now in contrast to the past. Dan Burden's presentation was very balanced between needs of pedestrians and motorists. His work here was to get us started thinking in this more balanced way—slow traffic and keep it moving at the same time. We should depend on his report in our future discussions about this topic. Mr. Inerfeld's actions as a city staff member have helped us move closer to this in terms of dealing with traffic and pedestrian safety. The committee has played an important role, and the Council should continue to pursue efforts to keep this on the front burner. We should keep making progress.

Mr. Williams asked if the committee reviewed any of the neighborhood traffic studies.

Mr. Keleman responded in the negative.

Mr. Williams said that there are a number of cases he is familiar with where a number of the options identified were considered and were rejected by the neighborhood. There was a proposal for a roundabout at Jackson/Boyd that could have been done if favored by the neighborhood.

Ms. Porter stated that it would be useful for the committee to take a look at some of these processes and the outcomes. She recalled other examples. In another case, data was gathered by residents. It was examined by a traffic consultant. The consultant made recommendations to the community. The community considered the recommendations and then brought the final requests to the Council. It is a complicated process but resulted in things that the neighborhood supported.

Ms. Mizeur questioned what constituted a "neighborhood."

Mr. Williams responded. There were wide areas involving a lot of participation.

Mr. Keleman stated that the intent of this committee was to look at city-wide issues. There may be solutions in certain areas that would benefit the city as a whole but would discombobulate the neighborhood.

Ms. Porter remarked that when there is a difficult decision, we need to bring all interested parties into the discussion. She thanked the committee for their work. Clearly, there was a lot of work and a lot presented to engage the Council in thinking about these issues.

## **6. State Revitalization Grant.**

Ms. Daines explained that the Council is being asked to consider a list of projects that they have

seen in one shape or another over the last four years--projects that have been identified as revitalization efforts that would qualify for state grants. She identified the resources (\$800,000 state monies, matched by \$600,000 county monies and \$200,000 CDBG funds). The Council needs to identify what it wants to accomplish with these funds. The county has some time limitations on the use of the funds, and there have been some changes at the state level regarding the expenditure of these funds. She provided a general review of the projects on the list (i.e., Old Town enhancements, gateway improvements, Maple/Sherman, street improvements, and storm water improvements). We have additional bond monies of \$375,000 for street work on Carroll Avenue.

Ms. Porter said that the genesis of the Old Town enhancements was safety. That focus would be more on sidewalks and not so much on appearance. When the state ran out of money and pulled this off their list, we are coming in and putting in monies allocated to the city for revitalization to make sure that these things are remedied. This is meant to take care of some of the most pressing concerns in the short term. This is not meant to do major re-configurations of the street or sidewalk, just to make the sidewalks safe until the state gets back on its feet with this work.

Ms. Daines noted that the state bond money cannot be used on a state road. We can use it on other street improvements.

Ms. Ludlow added that it can be used for sidewalk work.

Mr. Williams clarified that we just cannot do work inside the curb.

Ms. Austin-Lane asked if it can be used for bulb-outs.

Ms. Ludlow said that she can check.

Ms. Austin-Lane suggested that we might be able to leverage our money to reduce the overall cost for the state in their work.

Ms. Ludlow commented that even though State Highway Administration (SHA) has been very tight with funds, the staff has been very helpful. We will push as far as we can.

Ms. Daines continued comments about the gateway improvement project. The Maple/Sherman project has been completed. The state will reimburse for the related costs.

Ms. Mizeur asked whether the gateway project includes the area at RT410 and New Hampshire Avenue.

Ms. Daines responded that part of the project is to identify gateways and she would imagine this would be one of them. She continued comments about street improvements and the storm water improvements money for the community center (dedicated by the county for this work). The tighter we can set this in terms of particular projects the easier it will be to go out to bid on the

projects. It re-enforces to the county and state that these are the specific projects and that we can accomplish them within the time constraints.

Ms. Porter said that the county is looking for this assurance.

Ms. Mizeur asked for background on the time lapse for these funds.

Ms. Ludlow responded. Originally, it was money for the Old Town and Takoma Junction corridor. When it went through the legislature, it was thought to fund street work and aesthetics. However, as it was discussed in the legislative process, it was determined that the funds would not be granted to the city for projects that should be funded by SHA. As for funding for the state-funded projects, we were left holding the bag because we had depended on the state. When those things changed, it became difficult to hold onto the \$600,000 from the county.

Mr. Finn commented that this adds to the point that we need to have these funds committed by June (work under contract). We will be held accountable for this deadline by the state and county. We have to spend the county money before the state money. If we do not contract the money by June, we will lose the money. It leads to the desire to have the Council say this list of projects looks good. Once we get going, there will be contracts for approval. If we cannot commit these projects, he recommended that the Council authorize the City Manager to put the balance of the monies into the street improvement fund. We can still do that. We have a contract where we can put the monies for the resurfacing program. Mr. Finn pointed out that he has been told that if we push hard, we can get all of these things under contract by the deadline. The City does not want to lose the funds.

Ms. Porter said that in terms of the county funds, we have to stick to the promises about how the funds are spent.

Mr. Finn clarified that he was referring to state monies with his comment about the resurfacing program.

Ms. Daines noted that the items with asterisks involve county money.

Mr. Seamens said that he understands explanation of complexity, but worries about the city's lack of understanding about how these monies need to be spent. It makes him think that we are not properly managing our grants and thereby, putting the city in a poor light with the county.

Ms. Ludlow remarked that there are a couple of places where we fell down in the process, but they are really small in terms of the overall process. She offered to discuss with him the details. We are aware of what is involved in these processes. The other aspect is that we have been working very hard with the County Councilmembers to make them aware of the difference between \$350,000 (storm water improvements) and the commitment to the community center that the County Council made a few years ago. We have to continue to reiterate the difference in the two commitments.

Mr. Seamens commented that he hopes that we are not facing the same problems that we faced in the past with grants management.

Mr. Williams said that he thinks that some of the concerns that Mr. Seamens was hearing from the county was venting, given their fiscal constraints. On keeping the process going forward, it would be most helpful to have a better understanding of Old Town enhancements and Carroll Avenue work. He asked for a sense of the details on progress with the Old Town enhancements project, adding that he does not want to be surprised a few months down the road with details on the project. He said that he does not have a problem with approving the recommendations, as long as we get details on where these projects are going.

Mr. Elrich questioned whether we actually have cost estimates for elements related to Carroll Avenue work.

Ms. Daines responded that we have some general cost estimates for some elements. We are going through the process of soliciting proposals for improvements to streetscapes. We might be able to piggyback the work that is already underway. A lot of figures presented here came from figures associated with the Laurel Avenue improvements.

Mr. Elrich suggested that we safely put money in street improvements and then leave some out for lighting and other cost-out items.

Ms. Ludlow explained that staff wants to minimize re-allocations of monies later in the process. We would like to have a list of the kinds of things that we feel need to be done and generally, have estimates for those components. There is a certain point where we will not know exactly what we will get until the bids come in.

Ms. Daines commented on the deadline for committing the state monies.

Ms. Austin-Lane noted the meeting with George Leventhal and Catherine Tunis this morning at Savory. Ms. Tunis had some good ideas about Green construction. We got on the subject of the community center. The perception of the county is that they have helped us resolve the storm water issues by helping to restructure the \$600,000 to partially cover that work. We do not want to again find ourselves in a position of having the monies at risk. She agreed with Mr. Williams' request for frequent updates. A lot of things have gone on with the Laurel Avenue design that have concerned her (e.g., planters that were included which were not discussed with Council or residents). She suggested that this be organized in a way that all parties are included in the discussion of the design elements.

Ms. Daines noted the report in the weekly Status & Information Report, indicating that there were 32 bids submitted.

Ms. Austin-Lane said that she wants more information provided to the Council as soon as available. How soon could staff get the Council a break-down of how the \$275,000 will be

spent?

Ms. Daines responded that it would be difficult by next week. Staff could provide price ranges for street lights and sidewalk pavers. How relevant the information will be until further discussions take place, is difficult to attest.

Ms. Austin-Lane asked whether more specifics would be available in a month.

Ms. Daines suggested that more information would be available at the end of March (or beginning of April), assuming that we piggyback this work onto the stretch into Takoma Junction.

Ms. Austin-Lane said that the \$50,000 Laurel Avenue project went nowhere. Residents have expressed a lot of concern about that project.

Ms. Porter questioned whether there is any part of the Laurel Avenue included in the \$275,000.

Ms. Daines stated that all or none could be used for Laurel Avenue.

Mr. Williams commented that this gets at where he was going in requesting more specifics about the various things that could be covered under this project.

Ms. Porter said that this information will be helpful for the January 20th discussion.

Ms. Austin-Lane recalled that the Council previously discussed how the \$600,000 would be structured and that she thought \$50,000 had been earmarked for a traffic calming project.

Ms. Porter stated that it was not identified for anything specific. It may have been intended to go into a pot for traffic calming and street improvements.

Ms. Austin-Lane said that in a later discussion Philadelphia/Maple and a location on Carroll were identified.

Ms. Ludlow commented that when we talked about the \$50,000, traffic calming was discussed. However, through discussions with state staff we have been told that solely traffic calming projects are not acceptable. It could be used in locations where we have a complete street reconstruction project, and can fold-in a small piece for traffic calming.

Ms. Austin-Lane observed the simple semantics.

Ms. Daines noted that when we sent in possible options, the only thing that was not denied was a “raised crosswalk”, but even that would have to be in the context of a larger street project.

Ms. Austin-Lane said that the \$50,000 should be attributed to the raised crosswalk.

Ms. Daines remarked that it may or may not cost that much.

Mr. Finn commented that although there was discussion about Maple Avenue, given the time constraints and the on-going construction he does not see how we could make Maple Avenue work with these funds. We will need to look toward Carroll Avenue.

Ms. Mizeur said that in her short term on the Council, we have already addressed the matter of the community center construction contract having a deadline. In looking at this list, it seems that time lines related to project management and grants are not aligned. She recognized how processes can be very complex.

Ms. Ludlow offered to walk Ms. Mizeur through the details of the situation that occurred when monies were put in jeopardy.

Ms. Mizeur clarified that she is not suggesting that city staff does not work very hard or lacks responsiveness. She remarked that she is just pointing out that what we recently did with the county was to expend \$1.2M in “capital” to restore \$600,000.

Ms. Daines noted the things that have been done to deal with grants. A staff person is now responsible for grants management. There is a grants review committee. There is a procedure in place for managing grants.

Ms. Mizeur thanked her for the response. It is helpful to know these things.

Mr. Finn said that the list of projects presented this evening are things that the state has signed-off on. These items have been approved by the county and state.

Mr. Seamens remarked, as stated by Ms. Ludlow, we do not want to have surprises. He said that he does not want to hear of surprises, nor does he want his constituents to learn of surprises. He noted that he was talking to a city staff member today who was commenting on Maple Avenue work.

Mr. Finn clarified his comment. We do not have enough time to bring Dan Burden back in and design improvements on Maple before June.

Mr. Elrich said that he does not understand.

Mr. Finn reiterated that we have to have the money under contract by June.

Mr. Elrich stated that in piggybacking on the street program, that money is not always committed from the beginning.

Mr. Finn explained that the state will want a list with specific costs associated with each street

identified for work.

Mr. Seamens said that he would discuss this further with Mr. Finn.

Ms. Ludlow noted that another issue of concern to her and to the Council is last minute deadlines. With this particular situation, we just learned of the June deadline for state monies two months ago. It is the result of an interpretation of legislation. A lot of agencies are scrambling. Many agencies are going through this same process to see what they can get done by June.

Mr. Finn commented that in regard to Maple Avenue, we have 50% of funding for most of Maple Avenue from WSSC. We are going to do the project. It is just a matter of time. The project will get done.

Ms. Porter asked if the Council willing to move forward with this list of projects and have formal approval next week.

There was a Council consensus.

## **7. Re-Codification - Chapter 1. General Provisions and Chapter 2. Administration.**

Ms. Porter noted that these Chapters had been brought forward at one point, but it was decided that the discussion would not be completed under the old Council. They are now back for consideration.

City Attorney Sigman provided a brief summary. Of the few significant changes to these chapters, one is related to the process to promulgate administrative regulations based on the last Council's discussion of the process. There is now an opt-in process for the Council, whereby it may hold a public hearing on the regulation before its final adoption. He directed the Council to the language in the ordinance, noting the changes to 2-304 (a) and ( c), and 2-305.

Ms. Porter explained the thinking behind these changes. This sets up a process by which the Council can act on a proposed regulation. We are required to be notified but do not have to act until we want to take action. These are primarily administrative chapters in the Code, but the former Council wanted to give the new Councilmembers an opportunity to review and comment on the proposed changes.

Mr. Williams referred to page 3, Chapter 2, and asked for a reminder of why we are striking "Worksessions."

Mr. Sigman explained that the old distinction was such that minutes did not have to be taken for Worksessions. Under the Open Meetings Act, minutes are required of Worksessions.

City Clerk Waters commented on how minutes are currently managed (e.g., preparation, presentation to the Council, consideration, adoption, etc.). With this change, final written minutes would be required for Worksessions.

Ms. Porter said that the Council needs to have a further discussion about what will be required in minutes for Worksessions. In terms of the law, we do not have a choice.

Ms. Austin-Lane stated that she would like to see this issue come up again. There has been some confusion about issues that have occurred in the last six months which provide good examples for this discussion (e.g., Worksession discussion of the Old Town parking garage which was not commonly understood at the next regular meeting). There is also some confusion about a community center discussion that took place in a Worksession.

Ms. Porter said that when there is a decision coming out of Worksession discussion, she generally tries to identify the decision being made and to make eye contact with those involved in the decision.

There was a Council consensus to move forward with the revisions to Chapters 1 and 2, as proposed.

## **8. Council Rules and Procedures.**

Ms. Porter explained that the Council had an informal discussion of rules and procedures before recess. What would the Council like to do in terms of regularizing and writing down the outcomes from the meeting in December? We could prepare another resolution, revise the existing resolution, prepare it in another format, etc. The current resolution is not consistent with the decisions from December.

Ms. Austin-Lane said that a revised resolution would be the better direction.

Mr. Elrich suggested just repealing the existing resolution and not adopting another resolution.

Ms. Austin-Lane recalled a council discussion in June 2001 about rules and procedures.

Ms. Porter said that there have been a number of Council discussions about process, but as far as she knows, we have never formally revised this resolution.

Mr. Seamens proposed that the use of the speaker “timer” be eliminated.

Ms. Porter disagreed, referring to the existing resolution requirement pertaining to time limitations.

Mr. Williams proposed a more simple resolution that refers to the “green sheet”, the old



resolution, and the modifications that came out of the December discussion. In general, this is how we operate, but there may be future changes to these items.

Mr. Seamens commented that it seems like a no brainer.

Mr. Williams said that the Council would be replacing the resolution with a statement that we have rules and have a green sheet.

Ms. Porter asked Mr. Williams to draft something in writing.

Ms. Austin-Lane offered to assist.

Ms. Porter remarked that the original resolution was the product of the work of three Councilmembers and that she had participated. She said that she would be interested in again participating in the work on the resolution.

There was agreement that Mayor Porter and Councilmembers Williams and Austin-Lane will work on the resolution.

## **9. Council Appointments.**

Ms. Porter identified the Council of Government (COG) committees where appointments are required.

Councilmembers indicated their interests in the available positions. Ms. Waters will forward the information to COG.

Mr. Seamens recalled a discussion at a retreat about a Council representative on the Washington Adventist Hospital (WAH) and Columbia Union College (CUC) Boards.

Ms. Porter responded that someone who is interested in being on the WAH Board should consult with the Ethics Commission about possible restrictions that might be put on that person when it comes to voting on hospital related matters.

Ms. Austin-Lane cited her recollection of the discussion about a Council representative on the WAH Board. There could be a conflict of interest. The hospital may be asking for a representative, but unless there is some type of requirement like with the TPVFD Board, then the hospital may be asking someone on the Council to take a position putting him/her in a position where he/she cannot participate in decisions.

Mr. Elrich explained that he would have a problem with someone from the Council serving on either the WAH or CUC Boards.

Ms. Porter stated that if there is someone on the Council who would like to serve on one of those two boards, then she can schedule that discussion.

Mr. Williams said that he took the WAH request to suggest that any organization in the city should have an ex-officio position on the board to allow for sharing of information. It would help to avoid conflict.

Ms. Porter responded that this is a good way to look at it and said that we can have a future Council discussion. We would need to restructure it with the hospital's understanding.

Mr. Seamens questioned how these boards are different than the TPVFD Board.

Ms. Austin-Lane explained. Part of the agreement in the sale of the station from the county to the volunteers, was that the city has two members on the board.

Mr. Williams added that from practical experience, the city representatives do not vote on a lot of fire department business that is not city business. They largely act as liaisons.

Ms. Austin-Lane said that there is an implicit agreement with what is going on if the two Councilmembers do not object. It is a precarious position to be in, but we as a Council would have to change it if desired to be different.

Ms. Porter remarked that it is a long standing arrangement, and people seem to understand it.

Ms. Austin-Lane suggested that prior to the Council changing the current arrangement with the TPVFD Board representation, the matter should be referred to the Ethics Commission.

Ms. Mizeur asked what would happen if we were asked to take a position on county fire bill.

Ms. Porter responded that conflict of interests are different than policy issues.

Ms. Austin-Lane said that it deserves review.

Ms. Porter recommended that for this evening, we go ahead and appoint people, and then refer the concern to the City Attorney and/or Ethics Commission. She described the COG committees. Ms. Porter remarked that the TPVFD Board is good for new Councilmembers, but it is also good to have some continuity by keeping an experienced Councilmember on the board. She suggested that Mr. Williams remain on this board.

Mr. Seamens noted that he had mentioned his interest in serving on this board, but if one of the more junior members is interested, he would defer.

Ms. Mizeur indicated her interest.

Mr. Seamens conceded.

Ms. Porter noted that Councilmembers Williams and Mizeur will serve on the TPVFD Board.

Mr. Williams suggested that if someone is interested in the most independent and involved COG committee, he should choose the Air Quality Committee. It is a hot button topic right now.

Ms. Austin-Lane asked if there is a reason for the set meeting times.

Mr. Williams explained that the committee sets meeting schedule for the year.

### **ADJOURNMENT / CLOSED SESSION**

Mr. Seamens remarked that this is an important issue that we will be addressing in Closed Session and that he would like to see as much information made public as is legal. It would be healthy for the community to know as much about the issue as possible.

Ms. Porter noted that there is a policy issue related to the discussion item and that she would like to keep strategic discussions in closed session. Once the litigation portion is resolved, it would be more appropriate to talk about the policy issues in public.

Mr. Seamens asked whether the Council could identify the parties in the case.

Mr. Sigman explained that there is a COLTA case on this matter.

The Council adjourned at 11:05 p.m. and convened in Closed Session. Following the Closed Session, the Council adjourned for the evening.